

ASSEMBLY BILL

No. 2564

Introduced by Assembly Member Nestande

February 21, 2014

An act to amend Section 1785.10 of the Civil Code, relating to consumer credit reporting.

LEGISLATIVE COUNSEL'S DIGEST

AB 2564, as introduced, Nestande. Consumer credit reporting agencies.

The Consumer Credit Reporting Agencies Act requires every consumer credit reporting agency, upon request and proper identification of any consumer, to allow the consumer to visually inspect all files maintained regarding that consumer at the time of the request. The act requires every consumer reporting agency, upon contact by a consumer regarding information which may be contained in the agency files regarding that consumer, to inform the consumer of specified rights and agency obligations.

This bill would make technical, nonsubstantives changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1785.10 of the Civil Code is amended
- 2 to read:
- 3 1785.10. (a) Every consumer credit reporting agency ~~shall~~,
- 4 upon request and proper identification of any consumer, *shall* allow

1 the consumer to visually inspect all files maintained regarding that
2 consumer at the time of the request.

3 (b) (1) Every consumer *credit* reporting agency, upon contact
4 by a consumer by telephone, mail, or in person regarding
5 information which may be contained in the agency files regarding
6 that consumer, shall promptly advise the consumer of his or her
7 rights under Sections 1785.11.8, 1785.19, and 1785.19.5, and of
8 the obligation of the agency to provide disclosure of the files in
9 person, by mail, or by telephone pursuant to Section 1785.15,
10 including the obligation of the agency to provide a decoded written
11 version of the file or a written copy of the file with an explanation
12 of any code, including any credit score used, and the key factors,
13 as defined in Section 1785.15.1, if the consumer so requests that
14 copy. The disclosure shall be provided in the manner selected by
15 the consumer, chosen from among any reasonable means available
16 to the consumer credit reporting agency.

17 ~~The~~

18 (2) ~~The~~ agency shall determine the applicability of subdivision
19 ~~(+)~~ (a) of Section 1785.17 and, where applicable, the agency shall
20 inform the consumer of the rights under that section.

21 (c) All information on a consumer in the files of a consumer
22 credit reporting agency at the time of a request for inspection under
23 subdivision (a), shall be available for inspection, including the
24 names, addresses and, if provided by the sources of information,
25 the telephone numbers identified for customer service for the
26 sources of information.

27 (d) (1) The consumer credit reporting agency shall also disclose
28 the recipients of any consumer credit report on the consumer which
29 the consumer credit reporting agency has furnished:

30 (A) For employment purposes within the two-year period
31 preceding the request.

32 (B) For any other purpose within the 12-month period preceding
33 the request.

34 (2) Disclosure of recipients of consumer credit reports for
35 purposes of this subdivision shall include the name of the recipient
36 or, if applicable, the fictitious business name under which the
37 recipient does business disclosed in full. The identification shall
38 also include the address and, if provided by the recipient, the
39 telephone number identified for customer service for the recipient.

1 (e) The consumer credit reporting agency shall also disclose a
2 record of all inquiries received by the agency in the 12-month
3 period preceding the request that identified the consumer in
4 connection with a credit transaction which is not initiated by the
5 consumer. This record of inquiries shall include the name, address
6 and, if provided by the recipient, the telephone number identified
7 for customer service for each recipient making an inquiry.

8 (f) Any consumer credit reporting agency when it is subject to
9 the provisions of Section 1785.22 is exempted from the
10 requirements of subdivisions (c), (d), and (e), only with regard to
11 the provision of the address and telephone number.

12 (g) Any consumer credit reporting agency, that provides a
13 consumer credit report to another consumer credit reporting agency
14 that procures the consumer credit report for the purpose of resale
15 and is subject to Section 1785.22, is exempted from the
16 requirements of subdivisions (d) and (e), only with regard to the
17 provision of the address and telephone number regarding each
18 prospective user to which the consumer credit report was sold.

19 (h) This section shall become operative on January 1, 2003.